

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:

Gary Bivona
(SSN: XXX-XX-8300)

Debtor.

Hearing Date: February 27, 2014
Hearing Time: 12:15PM
Hearing Location: Albany

Case No. 13-11459
Chapter 13

TRUSTEE'S NOTICE OF MOTION AND MOTION TO DISMISS

PLEASE TAKE NOTICE that the undersigned Trustee will move this Court for an Order dismissing this case. Said motion shall be heard at the United States Bankruptcy Court, James T. Foley Courthouse, 445 Broadway, Suite 306, Albany, NY 12207 on February, 27, 2014 at 12:15PM.

The undersigned Trustee hereby moves pursuant to Section 1307(c) of the Bankruptcy Code (11 U.S.C. 1307) that an order be entered dismissing this case for the following cause:

-Default in payments under the terms of the proposed/confirmed plan.

(Debtor information available at www.13datacenter.com)

PURSUANT TO BANKRUPTCY RULE 9014 AND LOCAL RULE 9013-4, IF YOU INTEND TO OPPOSE THIS MOTION, YOU MUST SERVE ON THE CHAPTER 13 TRUSTEE, AND FILE WITH THE COURT OF THE BANKRUPTCY COURT, WRITTEN OPPOSITION TO THE MOTION NO LATER THAN SEVEN (7) DAYS PRIOR TO THE RETURN DATE OF THIS MOTION. IN THE EVENT NO WRITTEN OPPOSITION IS SERVED AND FILED, NO HEARING ON THE MOTION WILL BE HELD BEFORE THE COURT ON THE RETURN DATE, AND THE COURT WILL CONSIDER THE MOTION AS UNOPPOSED.

Dated: January 30, 2014

/s/ Andrea E. Celli

Andrea E. Celli
Chapter 13 Standing Trustee
7 Southwoods Blvd.
Albany, NY 12211

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

IN RE: Gary Bivona

AFFIDAVIT OF SERVICE

Case No.: 13-11459

Debtor

CORRI CORNING, BEING DULY SWORN, DEPOSES AND SAYS: THAT SHE IS OVER THE AGE OF 18 YEARS; THAT SHE SERVED A COPY OF **TRUSTEE'S NOTICE OF MOTION AND MOTION TO DISMISS** DATED JANUARY 30, 2014 ON THE FOLLOWING MANNERS: ON JANUARY 30, 2014.

VIA ELECTRONIC FILING:

Office of the United States Trustee
74 Chapel Street
Albany, NY 12207

JONATHAN E. COHEN
FOUR EAST COURT STREET
HUDSON, NY 12534

VIA REGULAR U.S. MAIL

Gary Bivona
PO Box 514
Greenville, NY 12083

BY DEPOSTING A TRUE AND CORRECT COPY OF THE SAME PROPERLY ENCLOSED IN A POST-PAID WRAPPER IN THE OFFICIAL DEPOSITORY MAINTAINED AT 7 SOUTHWOODS PLAZA, ALBANY, NEW YORK DIRECTED TO SAID PERSON(S), AT SAID ADDRESSES.

/s/ CORRI CORNING

CORRI CORNING

Sworn before me this
30th day of January, 2014

/s/ Sandra Spring

Reg. # 4955344

Notary Public - State of NY

Qualified in Rensselaer County

My Commission Expires 08/28/2017